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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/757,726
Filing Date: January 10, 2001
Appellant(s): SORIHASHI, TORU

Steven M. Jensen
Reg. No. 42,693
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 16 November 2006 appealing from the Office action mailed 17 February 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6687878	Eintracht et al.	2-2004
6040920	Ichiriki	3-2000

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-25 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Eintracht et al. (US 6687878, filed 15 March 1999, hereafter Eintracht) and further in view of Ichiriki (US 6040920, filed 19 February 1997).

As per independent claim 1, Eintracht discloses a log recording/reproducing section which i) creates log data including history data of operations executed by users when creating data, and ii) controls, with reference to the created log data, used to re-execute operation stored in the log data so as to reproduce a creation of a data file when displaying a data file (column 3, lines 12-36: Here, the notes database is the log data. Further, when the user synchronizes a local copy with the notes database, the logged changes/annotations are transferred to the user and the local copy is reproduced with the logged changes/annotations). Eintracht fails to specifically disclose a data creating section for creating data file and a data reference section for displaying reference data and when creating the data file. However, Ichiriki discloses a data creating section for creating data file (Ichiriki Col 12 Lines 15-20), and a data

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reference section for displaying reference data and when creating the data file (Ichiriki Col 12 Lines 65-67 and Col 13 Lines 1-5).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Eintracht's device with Ichiriki's device, since it would have allowed a user to create new documents with annotations.

In regard to dependent claim 2, Eintracht and Ichiriki disclose the limitations similar to those in claim 1, and the same rejection is incorporated herein. Eintracht further discloses the device wherein:

- The log recording/ reproducing section records all the operations executed on a document (column 3, lines 12-36)
- Re-executing all the operations stored in the log data, so as to reproduce all the creation processes of a file when displaying the file (column 3, lines 12-36)

In regard to dependent claim 3, Eintracht and Ichiriki disclose the limitations similar to those in claim 1, and the same rejection is incorporated herein. Ichiriki discloses partial data as selected by the reader (Ichiriki Col 14 Lines 26-31).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Eintracht and Ichiriki's device with Ichiriki's device, since it would have allowed a user to limit access rights to data (Ichiriki: column 14, lines 32-35).

In regard to dependent claim 4, Eintracht and Ichiriki disclose the limitations similar to those in claim 3, and the same rejection is incorporated herein. Eintracht further discloses the device wherein:

- When working with the data file, the log recording/reproducing section records a position on the data file in a related portion of each operation executed by the data creating section and the data reference section as the position indicative information of each operation (column 7, line 55- column 8, line 3: Here, each annotation or note has a note anchor associated with it. The note anchor specifies the (x, y) coordinates of the annotation on the document)
- When displaying the data file, the log recording/reproducing section specifies the position of the data, based on the position indicative information, selects the operation related to the data from the log data, to be re-executed by the data creating section and data reference section (column 7, line 55- column 8, line 31: Here, the notes client visually distinguishes within the document notes by different users)

In regard to dependent claim 5, Eintracht and Ichiriki disclose the limitations similar to those in claim 4, and the same rejection is incorporated herein. Eintracht further discloses the device wherein the log recording/reproducing section changes the position indicative information of each operation as already stored in the log data according to a change made in the data file (column 7, line 55- column 8, line 3: Here, the user can reposition the note anchor within the data document. This change of position is propagated to the log file, and subsequently to the reproduction of the data document at other user terminals).

In regard to dependent claim 6, Eintracht and Ichiriki disclose the limitations similar to those in claim 5, and the same rejection is incorporated herein. Eintracht

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further discloses the device wherein when a deletion is made with respect to the data file, the log recording/reproducing section marks an operation related to the deleted portion on the log data with a predetermined mark (column 8, line 61- column 9, line 5: Here, a note event is used to denote a change in the status of a note. This change in status can be creation on notes, modification of content, modification of anchor points, and deletion).

In regard to dependent claim 7, Eintracht and Ichiriki disclose the limitations similar to those in claim 6, and the same rejection is incorporated herein. Eintracht further discloses the device wherein when a deleted portion is re-inputted, the log recording/reproducing section deletes the mark from the log data (column 15, line 61- column 16, line 64: Here, a re-inputted portion acts the same as a newly created note. The created note is stored in a log file until requested. Once the user's local copy is synchronized with the log file, the user no longer needs to download the updated log information, and the log data mark is removed).

In regard to dependent claim 8, Eintracht and Ichiriki disclose the limitations similar to those in claim 1, and the same rejection is incorporated herein. Eintracht further discloses the device provided with operation history data creating section for creating history data of operations and transmitting the history data as created to the log recording/reproducing section (column 3, lines 53-58).

In regard to dependent claim 9, Eintracht and Ichiriki disclose the limitations similar to those in claim 1, and the same rejection is incorporated herein. Eintracht further discloses the device comprising an operation supervision section for creating

history data of operations and transmitting the history data as created to the log recording/reproduction section (column 3, lines 53-58).

In regard to dependent claim 10, Eintracht and Ichiriki disclose the limitations similar to those in claim 1, and the same rejection is incorporated herein. Eintracht further discloses the device further comprising:

- A display control section for supervising a display state of a display screen which is open to display the data file (column 4, lines 5-13)
- Wherein the log recording/reproducing section controls the display control section so as to store in the log data a display state of the screen opened when executing each operation (column 7, line 55- column 8, line 3; column 8, line 61- column 9, line 5)

In regard to dependent claim 11, Eintracht and Ichiriki disclose the limitations similar to those in claim 10, and the same rejection is incorporated herein. Eintracht discloses said log recording/reproducing section and stores the result of determination in the log data. However, Eintracht fails to specifically disclose determining whether each screen is used in the creation of the data file based on the display state of the display screen. However, Ichiriki discloses determines whether each screen is used in the creation of the data file based on the display state of the display screen (Ichiriki Col 2 Lines 45-55). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Eintracht and Ichiriki's device with Ichiriki's device, since it would have allowed a user to create a log of operations so the user can keep track of operations that have been used.

In regard to dependent claim 12, Eintracht and Ichiriki disclose the limitations similar to those in claim 10, and the same rejection is incorporated herein. Eintracht discloses said log recording/reproducing section and stores the result of determination in the log data. Eintracht further discloses pre-set conditions (column 11, line 22- column 12, line 38: Here, security conditions are pre-set conditions placed upon the modification a user can make). However, Eintracht fails to specifically disclose determining whether the display screen is used for the data. Ichiriki further discloses determining whether the display screen is used for the data. (Ichiriki Col 2 Lines 45-55)

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Eintracht and Ichiriki's device with Ichiriki's device, since it would have allowed a user a log of operations to keep track of operations that have been performed on a document.

As per dependent claim 13, Eintracht and Ichiriki disclose the limitations similar to those in claim 1, and the same rejection is incorporated herein. Eintracht discloses the device wherein the log recording/reproducing section stores only operations executed by predetermined specific data creating section and data reference section in the log data (column 8, line 61- column 9, line 5: Here, only certain operations can be executed, including deletion, modification of notes, and modification of anchor points).

As per dependent claim 14, Eintracht and Ichiriki disclose the limitations similar to those in claim 1, and the same rejection is incorporated herein. Eintracht further discloses the device wherein the log recording/reproducing section prevents operations executed by predetermined specific data creating section and the data reference

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section from being stored in the log data (column 8, line 61- column 9, line 5: Here, only users with specific privileges perform operations on the log data).

As per dependent claim 15, Eintracht and Ichiriki disclose the limitations similar to those in claim 1, and the same rejection is incorporated herein. Eintracht further discloses the device wherein the log recording/reproducing section edits the log data according to an instruction given by the user (column 8, line 61- column 9, line 5: Here, the user inputs the notes).

As per dependent claim 16, Eintracht and Ichiriki disclose the limitations similar to those in claim 1, and the same rejection is incorporated herein. Eintracht further discloses the device further comprising a data recording section for storing the data file in relation to the log data created by the log recording/reproducing section (column 2, line 8- column 4, line 53: Here, a data file is stored locally while the log file is stored on a server).

As per dependent claim 17, Eintracht and Ichiriki disclose the limitations similar to those in claim 1, and the same rejection is incorporated herein. Eintracht discloses a memory for storing a data (column 2, line 8- column 4, line 53). Ichiriki discloses said data creating section includes ...for storing a program for creating the data file and a reading section for creating the data file by reading the program. (Col 12 Lines 15-20; Col 12 Lines 65-67 and Col 13 Lines 1-5)

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Eintracht and Ichiriki's device with Ichiriki's

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device, since it would have allowed a user automatically create a data file (Ichiriki: column 12, lines 15-20; column 12, line 65- column 13, line 5).

As per dependent claim 18, Eintracht and Ichiriki disclose the limitations similar to those in claim 1, and the same rejection is incorporated herein. Eintracht discloses a memory for storing a data (column 2, line 8- column 4, line 53). Ichiriki discloses said data reference section ... section for storing a program for making a reference to the data file, and a reading section for making a reference to the data file by reading the program. (Ichiriki Col 12 Lines 15-20) (Ichiriki Col 12 Lines 65-67 and Col 13 Lines 1-5)

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Eintracht and Ichiriki's device with Ichiriki's device, since it would have allowed a user automatically create a data file (Ichiriki: column 12, lines 15-20; column 12, line 65- column 13, line 5).

As per dependent claim 19, Eintracht and Ichiriki disclose the limitations similar to those in claim 1, and the same rejection is incorporated herein. Ichiriki discloses said data creating section creates document data. (Ichiriki Col 12 Lines 15-20)

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Eintracht and Ichiriki's device with Ichiriki's device, since it would have allowed a user automatically create a data file (Ichiriki: column 12, lines 15-20; column 12, line 65- column 13, line 5).

As per independent claim 20, the applicant discloses the method similar to the device disclosed in claim 1. Claim 20 is similarly rejected under Eintracht and Ichiriki.

As per dependent claim 21, the applicant discloses the method similar to the device disclosed in claim 2. Claim 21 is similarly rejected under Eintracht and Ichiriki.

As per dependent claim 22, the applicant discloses the method similar to the device disclosed in claim 3. Claim 22 is similarly rejected under Eintracht and Ichiriki.

As per independent claim 23, the applicant discloses the recording medium storing a computer program similar to the device disclosed in claim 1. Claim 23 is similarly rejected under Eintracht and Ichiriki.

As per dependent claim 24, Eintracht and Ichiriki disclose the limitations similar to those in claim 1, and the same rejection is incorporated herein. Eintracht further discloses wherein the data reference section displays reference data referred to in creating the data file (column 3, lines 12-44: Here, the annotations stored in the Notes Table are displayed with the document via a web browser).

As per dependent claims 25, Eintracht and Ichiriki disclose the limitations similar to those in claim 24, and the same rejection is incorporated herein. Eintracht further discloses the log recording/reproducing section further controls the data reference section to re-execute the operations stored in the log data so as to reproduce the references made to the reference data in the creating the data file (column 3, lines 12-44: Here, the notes are stored in the Notes Table. The Notes Table and the Notes Log Table are used to synchronize a particular document of a client with the most current version of the particular document). Eintracht fails to specifically disclose the data creation section. However, Ichiriki discloses a data creating section for creating data file (column 12, lines 15-20). It would have been obvious to one of ordinary skill in the art at

the time of the applicant's invention to have combined Ichiriki with Eintracht, since it would have created a notes log upon a document request (Ichiriki: column 12, lines 15-20).

(10) Response to Argument

The appellant advances three arguments with respect to Eintracht in view of Ichiriki. The first argument the appellant presents is that the combination of Eintracht and Ichiriki fails to disclose a log recording/reproducing section that creates log data of operations executed by a data creating section and a data reference section when creating a data file (page 7). This argument appears to be based upon the fact that Eintracht discloses the creation of notes/annotations by a user (page 8). However, this is not entirely correct. While Eintracht discloses a user initiated creation of notes/annotations (column 3, lines 12-36), the underlying system creates the notes/annotations. The creation of the notes/annotations by the underlying system inherently includes a data creating section responsible for creating the notes/annotations in response to a user command. Therefore, the appellant's argument that Eintracht cannot contain this element based upon Eintracht creations of notes/annotations by a user oversimplifies the system of Eintracht. The system of Eintracht logs the changes performed by the system and initiated by the user (column 3, lines 12-36). This appears to meet the appellant's claimed limitation.

The second argument is based upon the appellant's belief that the combination of Eintracht and Ichiriki fail to teach a log recording/reproducing section that controls a data creating section and a data reference section to re-execute operations stored in

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the log data (page 8). Eintracht discloses adding notes to a data file (column 3, lines 12-36). The addition of these notes are operations performed upon a document. Further, these operations (addition of notes) are stored in a log (notes database) (column 3, lines 12-36). The appellant uses a re-execute command to simulate the creation of the current state of a document. Synchronization of notes stored in the notes database to a user's local copy of a document (column 3, lines 12-36), similarly simulates the creation of the notes within a document, thereby allowing a user's local copy of a document to reflect the current state of the document.

The appellant's final argument is that proper motivation has not been provided to combine Eintracht and Ichiriki (page 9). However, Eintracht is directed to logging annotations to an already created file. Eintracht fails to disclose the creation of a file. However, Ichiriki cures this deficiency (column 12, lines 15-20). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Eintracht's device with Ichiriki's device, since it would have allowed a user to create new documents with annotations.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

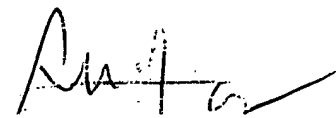

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